

VZCZCXRO0489

OO RUEHDBU RUEHFL RUEHKW RUEHLA RUEHNP RUEHROV RUEHSL RUEHSR
DE RUEHBS #0923/01 1871618
ZNY CCCCC ZZH
O 061618Z JUL 09 ZDK DUE TO SVCS
FM USEU BRUSSELS
TO RUEHC/SECSTATE WASHDC IMMEDIATE
RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEAWJA/DEPT OF JUSTICE WASHDC IMMEDIATE
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE IMMEDIATE
RHEHAAA/WHITE HOUSE WASHDC IMMEDIATE
RHEHNSC/NSC WASHDC IMMEDIATE
RUEAIIA/CIA WASHINGTON DC IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 03 BRUSSELS 000923

NOFORN
SIPDIS

E.O. 12958: DECL: 07/05/2019

TAGS: [PREL](#) [PTER](#) [EUN](#)

SUBJECT: GUANTANAMO DETAINEES: S/E FRIED THANKS E.U. FOR
JOINT STATEMENT

REF: USEU BRUSSELS 854

BRUSSELS 00000923 001.3 OF 003

Classified By: USEU/POL M-C Chris Davis for reasons 1.4 (b) and (d)

1.(C) SUMMARY: In his June 30 meeting with European Commission Director General Jonathan Faull, Special Envoy for Guantanamo Closure Daniel Fried again thanked the EU for its part in producing a Joint Statement to facilitate bilateral discussions with EU member states willing to resettle former Guantanamo detainees. Fried gave Faull the copy of a letter from the UNHCR Assistant High Commissioner, who encourages states to assist in the resettlement of former detainees who cannot return to their countries of origin. DG Faull speculated that more detainees would be accepted in Europe were the U.S. to resettle some in the U.S. itself. S/E Fried explained the planned procedures for sharing information on released detainees, saying that he was determined to provide all that was shareable. S/E Fried said the heretofore successful resettlement of four Uighurs on Bermuda, with more going to Palau, was making the case that former GTMO detainees are not necessarily undesirables. S/E Fried explained that the current policy review will determine how to deal with detainees who cannot be resettled nor formally charged, on a firm legal basis. Faull cautioned that those detainees falling in this "gap" should not end up in a Guantanamo-like detention center somewhere else. Faull said he hoped for a broader dialogue with the U.S. on how to deal with terrorism under the rule of law, in the Joint Statement's spirit of "turning the page." S/E Fried answered that the State Department's new Legal Adviser might be prepared to engage in that dialogue. END SUMMARY

THANK YOU; WE HAVE A GOOD STORY TO TELL

12. (C/NF) Special Envoy for Guantanamo Closure Daniel Fried was accompanied by S/CG Michael Williams, USEU Senior DOJ Counsel Warren, and USEU Pol M-C when he met June 30 in Brussels with European Commission Director General for Justice, Freedom and Security Jonathan Faull and his associate Heike Buss. Noting that he had called European Commissioner Jacques Barrot with the same message, S/E Fried thanked DG Faull for the EU's work with the U.S. in producing the Joint Statement June 15 on the closing of Guantanamo Bay detention center (reftel). S/E Fried noted that the Joint Statement had "exactly the effect we wanted" in providing EU blessing for member states to negotiate with the U.S. the transfer of detainees. He asked that Faull relay his reiterated thanks to Commissioner Barrot. S/E Fried said he wanted to go public during his Brussels stop; however, out of deference to ongoing discussions with the Belgian government, he decided to keep to non-public expressions of thanks to the

EU and member states.

13. (C/NF) DG Faull said EU leaders would have liked more public acknowledgement of their efforts to conclude the Joint Statement, including a high-level joint op-ed piece to help roll it out. That said, he underscored that EU leaders were very appreciative of President Obama's statement during PM Berlusconi's visit to Washington, to which S/E Fried added that the President reiterated the sentiment during the recent visit of Chancellor Merkel. Faull agreed that it was a delicate time politically in post-election Belgium and a Belgian amnesty of some prisoners was expected soon, so it was perhaps best to avoid the press. Fried reprised that it was nonetheless a "great story" - i.e., the new President's executive order, Commissioner Barrot's catalytic March trip to Washington, the Attorney General's April statements in Prague, the Joint Statement itself, despite Congress's balk - and he would find a way to "get out the narrative."

UNHCR HELPS THE CAUSE

14. (C/NF) S/E Fried said that EU member states tending toward accepting Guantanamo detainees included Spain, Italy, Portugal, Ireland, and Belgium. Germany was entering a general election, which politically forestalled discussions, and Sweden was "back and forth." Non-EU Norway, a Schengen country, is considering its options. France is apparently willing to consider accepting others, said S/E Fried, having already accepted Boumedienne in May. S/E Fried said he thought 40 detainees resettled in Europe was a not unreasonable target figure; Faull thought a lesser number would be acceptable and not unexpected. Faull, whom Fried last saw May 19 in Brussels, added that the ultimate number would increase should there be "a change of heart on your

BRUSSELS 00000923 002.2 OF 003

side" about resettling released detainees in the U.S. itself.

15. (C/NF) S/E Fried gave Faull the copy of a "helpful" letter from UNHCR Assistant High Commissioner Erika Feller, which strongly encourages states to assist in resettling former GTMO detainees with protection needs that prevent them from being returned to their countries of origin. S/E Fried encouraged Faull to share the letter widely, though both agreed it might not suffice to sway the Swedish government to accept former GTMO detainees.

INFORMATION WILL BE SHARED

16. (C/NF) On the information-sharing mechanism among EU member states, Faull said it had not yet been triggered. S/E Fried acknowledged that although some files or dossiers had been turned over bilaterally to those countries now considering accepting detainees, the countries had been requested not to share the files at this time. Once they were closer to decision on resettlement, the receiving countries would also be provided by the U.S. a file for each detainee for general release to the Schengen group according to the internal EU process now agreed. He added that the process might not always be a smooth one, but that the material would be provided as promised. Faull said he could imagine Schengen-zone Switzerland and particularly EU member state Austria being most "concerned" to know all about GTMO detainees going to (and potentially leaving) Italy, for example. Another example, said S/E Fried, would be Spain, for which files on released GTMO detainees would have to be cleared for wider dissemination, given the chances these detainees might wonder within the Schengen zone. In response to a question, Faull said he was not aware if Ireland had released files on detainees to interior ministers of other EU member states. He said he had been in Ireland two weeks earlier and that had not been raised. S/E Fried summed up by promising to provide the information on detainees that is shareable, with high-level help, if need be.

THE UIGHURS MAKE OUR CASE

¶7. (C/NF) DG Faull asked if the Chinese were countering the resettlement of Uighurs outside of China, and S/E Fried answered China had been "very active," especially planting articles about how dangerous they are. Fried described the four Uighurs resettled to Bermuda, how they were happy not to be sent to China, and how well informed they seemed to be, perhaps due to their American lawyers. (They asked, for example, why Germany had not agreed to take them.) The USG gave Bermuda 100,000 dollars toward compensation of Bermuda's resettlement costs (including reimbursement for Bermuda's chartered aircraft to retrieve them and then immediate housing costs). S/E Fried reiterated that the USG would consider such requests for compensation by European countries for resettlement costs on a case-by-case basis, using as a benchmark 85,000-dollars-per-detainee. S/E Fried said that the Uighurs had become a human-interest story, inspired by photographs of them romping in the surf and eating ice cream on Bermuda, making the case that some of the former detainees are not as dangerous as depicted by some. He said the Bermudans were confident tourism would not be hurt. DG Faull opined that "history will record" that the seven-year detention and release from Guantanamo of the Uighurs will have brought more attention to their cause than anything else.

¶8. (C/NF) S/E Fried described his visit to Palau where resettled Uighurs could be accepted as permanent guest workers, since there is no naturalization process there. To Jonathan Faull's question whether imprisonment on Guantanamo had further radicalized detainees, S/E Fried answered that he did not know. He added that most detainees are not hardened terrorists, but mostly petty criminals, former drug addicts, and, when captured, wannabe jihadists. S/E Fried noted that Portuguese officials told him they were confident they knew how to keep tabs on such people, having taken in two Palestinians from the Church of the Nativity episode.

DETAINEES IN THE GAP

¶9. (C/NF) S/E Fried said there are 229 detainees on Guantanamo. Ninety-nine of these are Yemenis - "a more dangerous group, on balance" - some of whom may be taken to the Saudi rehabilitation center. S/E Fried said there would be a gap where some detainees - those who cannot be released or transferred, or tried in criminal courts or in

BRUSSELS 00000923 003.3 OF 003

legislatively-revised military tribunals/commissions for lack of admissible evidence - will find themselves, and it may be a matter of finding a place in the U.S. to hold them when the Guantanamo detention center closes. How those in this gap category would be dealt with was part of the ongoing legal and policy review in Washington, and any solution, S/E Fried opined, would have a solid legal foundation. Faull said Europe would be watching to be sure the solution was not merely a relocated GTMO for those remaining in the gap. In the spirit of the Joint Statement's explicit desire to "turn the page," Faull said he hoped for a broader dialogue with the U.S. on how to deal with terrorism under the rule of law. S/E Fried said that the recently-confirmed Legal Adviser at the Department of State is focused on this question and would be bringing some initiatives to the table for that broader dialogue.

¶10. (U) This cable has been cleared by S/GC S/E Fried.

MURRAY

.